REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 24, 2008. In this response, claims 1, 11, 22, 30, and 31 have been amended, and no claims have been cancelled or added. Claims 1-31 are pending in the application. Applicant respectfully requests that there be reconsideration of all pending claims.

I. Examiner Interview Summary

An interview was conducted on June 6, 2008. Participants were Applicant's representative Cynthia L. Davis (having Registration No. 61,044) and Examiner Brandi Parker. The parties discussed differences between dependent claims 3, 5, 8, and 9 and the *Green* and *Leamon* references. Although no agreement was reached in the interview, Applicant would like to thank the Examiner for her time.

II. Rejection of Claims 1-10 under 35 U.S.C. §101

The Office Action states on page 2 that:

> Claim 1 is directed towards a vacation request processing system comprising of logic. Specifically, the claim is directed to software (i.e., logic). However, in order to be considered statutory software must be stored on a computer readable medium that when executed causes a computer to perform a particular method or process…

Claims 2-10 are also rejected as being dependent on claim 1. In an effort to address the Examiner's concerns, claim 1 has been amended to recite "[l]ogic stored on a computer readable medium that when executed causes a computer to perform a vacation processing request system". Applicant submits that the claims, as amended, fulfill the requirements of Section 101 and respectfully requests that the rejection of claim 1-10 be withdrawn.

III. Rejection of Claims 1 and 22 under 35 U.S.C. §112, second paragraph

The Office Action states on page 3 that "[r]egarding claims 1 and 22, the preamble describes a vacation processing system, however, the body of the claims do not disclose any corresponding structure for the system." Claims 2-10 and 23-31 are also rejected as being dependent on claims 1 and 22.

In an effort to address the Examiner's concerns, claim 1 has been amended to recite "[l]ogic stored on a computer readable medium that when executed causes a computer to perform a process for vacation processing request system", and claim 22 has been amended to recite, "a memory comprising: computer-readable code" and "a processor for executing the computer-readable code stored in the memory." Applicant submits that claims 1 and 22, as amended, recite corresponding structure for the system and fulfill the requirements of Section 112, second paragraph. Applicant therefore respectfully requests that the rejections of claims 1-10 and 22-31 be withdrawn.

IV. Rejection of Claims 1-31 under 35 U.S.C. §103(a)

Claims 1-31 have been rejected under §103(a) as allegedly obvious over Green ("*Green*", U.S. Pat. No. 6,192,346) in view of Leamon ("*Leamon*", U.S. Pat. No. 6,970,829). Applicant respectfully traverses this. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Independent claims 1, 11, and 22

Independent claim 1 recites, in pertinent part, "logic configured to receive an email from a first employee, the email comprising a vacation request from the first employee". Independent claim 11 recites, in pertinent part, "means for receiving an email from a first employee, the email comprising a vacation request from the first employee". Independent claim 22 recites, in pertinent part, "computer-readable code that receives an email from a first employee, the email comprising a vacation request from the first employee". Applicant submits that neither *Green* nor *Leamon* teach, disclose, or suggest the above claim features.

Green is silent regarding email. The Office Action alleges on page 6, regarding dependent claim 10, 20, and 31, that *Leamon* teaches a call contact center with the capability to conduct transactions through email in column 4, lines 22-28. The cited portion of *Leamon* states (emphasis added):

> The present invention is described in the context of a telephone call center. One of ordinary skill, however, will appreciated that the inventive functionality may be used in **any generic "contact center" that handles one or more of the following contact types**: telephone calls, voice mails, **e-mails**, faxes, mail, web callback requests, web chats, web voice calls, web video calls and outbound calls, and the like). In addition, the invention may be incorporated into any work environment where tasks are allocated by skill.

Even assuming, *arguendo*, that *Leamon* teaches a call contact center with the capability to conduct transaction through email, email is only mentioned in *Leamon* referring to a <u>type of customer contact handled by the contact center agents</u>. *Leamon* does not teach, disclose, or suggest a vacation request processing system that **receives an email from a first employee, the email comprising a vacation request from the first employee**, as is recited in amended independent claims 1, 11, and 22. Therefore, Applicant submits that claims 1, 11, and 22 are allowable over the cited references, and respectfully requests that the rejections of the claims be withdrawn.

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Claims 2-10, 12-21, and 23-31

Claims 2-10, 12-21, and 23-31 depend from independent claims 1, 11, and 22, respectively, and are considered allowable for at least the same reasons. In addition, these claims recite further features not disclosed or suggested by the cited references, as discussed in detail below.

Claims 3, 13, and 24

The Office Action alleges on page 4 that *Leamon* teaches historical call volume data obtained from a communications switch in column 19, lines 26-34. However, the cited portion of *Leamon* appears to disclose a simulated call center, and does not teach, disclose, or suggest a communications switch as is recited in dependent claims 3, 13, and 24. Indeed, *Leamon* does not mention a switch anywhere. This feature is also missing from *Green*. Applicant therefore submits that claims 3, 13, and 24 are allowable over *Green* in view of *Leamon*, and respectfully requests that the rejection of the claims be withdrawn.

Claims 5, 16, and 26

The Office Action alleges on page 5 that:

> ...although Leamon does not explicitly teach storing call data in the database of a POTS switch, Examiner notes that it would have been obvious to one having ordinary skill in the art to substitute a communication switch with a queuing system for a POTS switch because the call center operators' telephone lines can be connected to speed the call transfer process.

Applicant submits that *Leamon* does not teach, disclose, or suggest a communication switch, much less a POTS switch. In accordance with *In re Robertson* , 169 F.3d 743, 745, 49 U.S.P.Q.2d (BNA) 1949, 1950-51 (Fed. Cir. 1999), Applicant traverses these findings as being inadequate to show why the claimed features are **necessarily** present in the reference. Consequently, because of the lack of extrinsic evidence required under *In re Robertson*, the

statements in the Office Action are merely conclusory and not adequately supported, and the

rejection of claims 5, 16, and 26 is improper and should be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be

withdrawn and that this application and presently pending claims 1-31 be allowed to issue. Any

statements in the Office Action that are not explicitly addressed herein are not intended to be

admitted. In addition, any and all findings of inherency are traversed as not having been shown

to be necessarily present. Furthermore, any and all findings of well-known art and official notice,

or statements interpreted similarly, should not be considered well known since the Office Action

does not include specific factual findings predicated on sound technical and scientific reasoning

to support such conclusions. If the Examiner has any questions or comments regarding

Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned

counsel.

Respectfully submitted,

By: ___/CWG/___

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